

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CASE NO 3:10-CR-00086-TMB
Judge BURGESS

JESUS ALBERTO AYALACORIA.
PETITIONER

✓

UNITED STATES OF AMERICA.
RESPONDENT.

EMERGENCY
MOTION TO REDUCE SENTENCE BASED ON
COMPASSIONATE RELEASE PURSUANT TO 18 U.S.C.
§ 3582 (a) (1) (a), also the legal changes that
might impact the petitioner during the pandemic.
the CARES ACT TO provide emergency assistance
to people affected by the Coronavirus outbreak.

Now comes JESUS ALBERTO AYALORIA. PRO-SE.
Who respectfully request the Honorable UNITED STATES
DISTRICT COURT OF ALASKA to reduce his sentence
based of 18 U.S.C. § 3582 (c) (1) A. Congress created
a compassionate release as a vehicle for
reducing the sentences of inmates with a debi-
litating medical conditions, or elderly inmates
who already have served a significant amount
of their time where continued incarceration would
be inequitable and unjust.

(1)

In 2016 the U.S. Sentencing commission "Conducted an depth review" of the BOP's compassionate release program and saw the low approval rates, as well as two reports issued by the office of the inspector General of the Department of Justice that were critical of the Bureau of Prison's implementation of its compassionate release program, Therefore in Section 603 of the act Congress now has gone one step further by giving inmates the right to file a motion for compassionate release with their sentencing Judges, Specifically, and most importantly, Program Statement 5050.50 issue on January 17, 2019, ENTITLED "Compassionate Release/Reduction in Sentence, Procedures for Implementation of 18 U.S.C §§ 3582 and 42.05(g)" Previously provided and still provides in relevant part (28. C. F. R. § 571.63 Denial of request) Ever Since the passage of the First Step Act Show the 18 U.S.C. § 3582(c)(1)(A) as a critical and valuable new mechanism to reduce prison sentences in any and every case in which a defendant presents "extra-ordinary and compelling reasons" Supporting the reductions. The new FIRST STEP ACT ALLOWS a Judge broad authority to "Determine whether any extra-ordinary and compelling reasons" Justified a reduction in a Prison Term.

STATEMENT OF THE CASE

The Petitioner JESUS ALBERTO AYALA CORIA has 49 years old. a Federal Prisoner serving a 15 years sentence. and 5 years of Supervise release for narcotic. 21: 841 (A) (1) and (B) (1)(A), DISTRIBUTION OF 50G OR MORE OF ACTUAL METHAMPHETAMINE CT. 3., 21: 841 (A) (1) and (B) (1) (C). The petitioner was place in extictly quarantine because he's classified as more vulnerable to get the COVID-19. The Petitioner have asthma, sleeping apnea, he's using a respiratory machine, Diabetes. One part of the CARES ACT gives the BOP director power to lengthen the maximum amount of time tha a person can be in home confinement during the pandemic, the ACT allows Federal Courts to directly reduce sentences under compassionate release statutory provisions of 18 U.S.C. § 3582 (c) (1) (A) without awaiting a motion by the Bureau of prisons.

UNITED STATES V. O'BRYAN, No. 96-10076-03-JTM, 2020 WL 869475 (D. Kan. Feb 21 2020)

UNITED STATES V. DAVIS, No. PJM 00-424-2, 2020 WL 1083158 (D. Md. March 5, 2020)

U.S. V. PEREZ / NO 7CR. 513-3 (AT) (S.D.N.Y APRIL 1/2020.

U.S. V. PERDIGAO (No 7-103) (E.D. L.A. April 2. 2020.

U.S. V. MUNIZ (No. 4:09-CR-0199-1) (S.D. Tex. MARCH 30 2020.

U.S. V. Gonzalez (No. 2:18-CR-0232-TOR-15) E.D. WASH MAR 31 2020.

U.S. V. RESNIK NO: 1:12-CR-00152-CM (SDNY APRIL 2 2020)

U.S. V. BRANNAN NO: 4:15-CR-80-01 (S.D. TX APRIL 2 2020)

U.S. V. FOSTER NO 1:14-CR-324-02 (MD PA APR 3 2020)

In United States v Williams, No PWG-13-544 2020 WL 1434130 (D. Nevada, MARCH 24, 2020) "the court has reflected on all of the considerations and factors in play at the detention hearing held on February 11. Even with the pandemic that has befallen us, the existence of the present pandemic, while there has been a change in conditions as a result of the pandemic.

LEGAL ANALYSIS

Raia Decision U.S. V. Raia 3rd cir case No 20-1033, Brief of Amici curiae (april 14, 2020)

Holding that the defendant had to exhaust remedies with the BOP first. the defendant has petitioned for rehearing the court of appeals should not "Issue a precedential opinion on a far-reaching and debatable issue of first impression affecting numerous non-party individuals in a wide range of circumstances - some of which are literally matters of life - or death that had not been addressed by the district court.

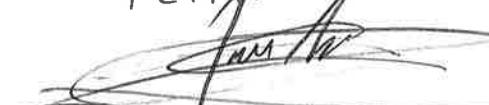
Raia panel acknowledging those authorities holding that the exhaustion requirement is subject to exceptions in the very circumstances presented here and without affording the parties the opportunity

to argue why exhaustion should not be required under the First STEP ACT (FSA). They ask the Honorable court to withdraw the exhaustion holding in the opinion, a holding already bedeviling compassionate relief filers across the country.

CONCLUSION

Therefore the Petitioners pray to this Honorable court that for all the foregoing herein reasons, stated above, the Petitioner's motion represent "Extraordinary and Compelling Circumstances" which could not reasonably have been foreseen by the sentencing, the petitioner has already served 10 years of his sentence. The Petitioner believes that this Extraordinary and Compelling Circumstances warrants this Honorable District Court earnest consideration pursuant to 18, U.S.C. § 3582 (e) (1) (A), in this action the motion should be granted.

~~PETITIONER PRO-SE.~~


JESUS ALBERTO AYALA CORIA.

Rg No 16012-006

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16012-004

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